

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Harry N. Dauphine,
Petitioner

v.

Civil No. 06-cv-166-SM

United States of America,
Respondent

O R D E R

Petitioner seeks habeas corpus relief apparently on grounds that this court was without jurisdiction to enter judgment against him and, perhaps, that his sentence was unlawful. Neither contention has merit.

Defendant pled guilty, pursuant to a written plea agreement, to possession with intent to distribute the controlled substance cocaine in violation of Title 21, United States Code, Section 841(a)(1). After a thorough plea colloquy, the defendant's plea was accepted on October 29, 2004. He was sentenced to 51 months imprisonment on February 24, 2005. No appeal was filed.

The petition is untimely, having not been filed (and not even signed) within one year of the date on which the judgment of conviction became final on March 10, 2005. The petition was

signed on April 24, 2006, and, even if immediately submitted to prison authorities for mailing under the "prison rule," was still late by over one month. See 28 U.S.C. § 2255. In addition, the issues raised by petitioner are entirely without merit.

The petition is dismissed.

SO ORDERED.



Steven J. McAuliffe
Chief Judge

May 26, 2006

cc: Harry N. Dauphine, *pro se*
Mark E. Howard, Esq.